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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,771	07/02/2001	Katsuyoshi Tanaka	33688	2848

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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/898,771	Applicant(s) TANAKA, KATSUYOSHI	
	Examiner Ramsey Refai	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responsive to Amendment received January 05, 2005.

Claims 1-12 have been canceled.

Claim 13 has been amended.

Claims 13-14 are presented for examination.

Priority

2. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA (Applicant Admitted Prior Art), as applied to claim 1 above, and in view of Block et al (U.S. Patent No. 6,658,473).

5. As per claim 13, AAPA teaches a distributed processing system comprising:

job queuing server which mutually connects a plurality of computers having preselected resource amounts to each other via a network (**paragraphs [0003-0005]**), and also distributes an entered job to any of said plural computers so as to execute the entered job by the job-distributed computer (**paragraphs [0004-0005]**), wherein said job queuing server saves a job execution history as to a plurality of jobs which were executed in the past (**paragraph [0006]**), and while referring to said job execution history (**paragraphs[0006 and 0011]**), said job queuing server selects such a computer that when an execution- subject job is executed, said execution-subject job does not exceed the resource amount saved by said computer, and said job queuing server distributes said execution-subject job to said selected computer (**paragraphs [0005, 0006, and 0011-0012]**); and

a charging process operation is carried out with respect to each of users of the respective computers based on said actual use data (**paragraph [0013]**).

6. AAPA fails to teach a charge processing means operated in such a manner that capabilities of the respective computers are normalized while a capability of a specific computer is used as a reference; actual use data normalized from said job execution history is totalized/processed based upon the normalized computer capability.

7. However, Block et al teach that servers have different capabilities (**column 1, lines 25-40**). The desirabilities for servers are computed. Servers determined to be heavily loaded receive lower desirability. The relative desirabilities are normalized to a predetermined range and a capability of a specific computer is used as a reference (**column 14, lines 7 – 42**). It

would have been obvious to one of the ordinary skill in the art to at the time of the applicant's invention to combine the teachings of AAPA and Block et al because Block et al's use of normalizing servers would allow for computers in AAPA's system to receive a rating depending on there resource availability thereby allowing for jobs to get distributed to computers which have a lower rating (lighter loaded) to execute jobs efficiently.

8. As per claim 14, AAPA teaches said charge processing means further executes such a charging process operation with respect to the user of each of the respective computers based upon a total expense required when each of said computers is conducted a total expense required when each of said computers is operated, CPU time used by each of said jobs, and an actual memory amount used by each of said jobs (**paragraphs [0005-0006, 0013]**).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2154

RR
April 7, 2005



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100